

**CIV - 14 - 1427**

**F**

**CIV - 14 - 1427** UNITED STATES DISTRICT COURT

**FILED**

UNITED STATES EX REL FREDERICK BANKS;  
KENNETH POSNER, Plaintiffs,

DEC 30 2014

v.

CARMELITA REEDER SHINN, CLERK  
U.S. DIST. COURT, WESTERN DIST. C.  
BY 52 DEPH

NEW YORK POLICE DEPARTMENT; Officer Daniel Pantaleo, NYPD  
Hon. Joy Flowers Conti; Hon. Nora Barry Fischer;  
Kyle Kohlbacker; Earl Kohlbacker; Doug Williams; Renewal Inc.  
Charmaine Odom; Jessica Albert; Sean Langford; Ben Orrison; United States  
Probation Department for the Western District of Pennsylvania;  
Barack Obama; Eric Holder; Jim Brennan, CIA Director; Central  
Intelligence Agency; Federal Bureau of Investigation; Southern  
District of New York United States Attorney's Office; United States  
Attorney; Garret Gaetano; James E. Boasberg; Rosemary M. Collyer;  
Raymond J. Dearie; Claire V. Eagan; Martin L.C. Feldman; Michael W. Mosman;  
Mary A. McLaughlin; F. Dennis Saylor, IV; Susan Webber Wright;  
James B. Zagel; Joseph William Woodrough; Henry Potter;  
Joseph Buffington; Joseph Chappell Hutcheson, Jr.;  
Seybourn Harris Lynne; William Cranch; George C. Young;  
Wilfred Feinberg; Albert Branson Maris; Learned Hand;  
Edward Joseph McManus; Ori Leon Phillips; William Joseph Nealon, Jr.;  
William Augustus Bootle; James R. Browning; Myron Donovan Crocker;  
Charles Miller Metzner; Wesley E. Brown; Daniel Holcombe Thomas;  
David Norton Edelstein; Ronnie Abrams; John F. Keenan; Harold Baer;  
John G. Koeltl; Deborah A. Batts; Victor Marrero; Richard M. Berman;  
Colleen McMAHON; Vincent L. Briccetti; Alison J. Nathan; Vernon S.  
Broderick; Paul J. Oetken; Valerie E. Caproni; Andrew L. Carter, Jr.; Keven P.  
Caster; Denny Chin; Miriam Goldman Cedarbaum; Denise L. Cote; Paul A Crotty;  
George B. Daniels; Keven T. Duffy; Paul A. Engelmayer; Katherine Polk Failla;  
Patrick Leahy; Ken Salazar, Department of Interior; Commissioner and Director of the  
Bureau of Indian Affairs; Hillary Rodnam Clinton;

Orrin G. Hatch, R-Utah

Thad Cochran, R-Miss.

Carl Levin, D-Mich.

Charles E. Grassley, R-Iowa

Tom Harkin, D-Iowa

Mitch McConnell, R-Ky.

Jay Rockefeller, D-W.Va.

Barbara A. Mikulski, D-Md.

Richard C. Shelby, R-Ala.

John McCain, R-Ariz.

Harry Reid, D-Nev.

Dianne Feinstein, D-Calif.

Barbara Boxer, D-Calif.

Patty Murray, D-Wash.

James M. Inhofe, R-Okla.

Ron Wyden, D-Ore.

Pat Roberts, R-Kan.

Richard J. Durbin, D-Ill.

Tim Johnson, D-S.D.

Jack Reed, D-R.I.

Mary L. Landrieu, D-La.

Jeff Sessions, R-Ala.

Susan Collins, R-Maine

Michael B. Enzi, R-Wyo.

Charles E. Schumer, D-N.Y.

Michael D. Crapo, R-Idaho

Bill Nelson, D-Fla.

Thomas R. Carper, D-Del.

Debbie Stabenow, D-Mich.

Maria Cantwell, D-Wash.

Lisa Murkowski, R-Alaska

Saxby Chambliss, R-Ga.

Lindsey Graham, R-S.C.

Lamar Alexander, R-Tenn.

John Cornyn, R-Texas

Mark Pryor, D-Ark.

Richard M. Burr, R-N.C.

Tom Coburn, R-Okla.

John Thune, R-S.D.

Johnny Isakson, R-Ga.

David Vitter, R-La.

Robert Menendez, D-N.J.

Benjamin L. Cardin, D-Md.

Bernard Sanders, I-Vt.

Sherrod Brown, D-Ohio

Bob Casey, D-Pa.

Bob Corker, R-Tenn.

Claire McCaskill, D-Mo.

Amy Klobuchar, D-Minn.

Sheldon Whitehouse, D-R.I.

Jon Tester, D-Mont.

John Barrasso, R-Wyo.

Roger Wicker, R-Miss.

Mark Udall, D-Colo.

Tom Udall, D-N.M.

Mike Johanns, R-Neb.

Jeanne Shaheen, D-N.H.

Mark Warner, D-Va.

Jim Risch, R-Idaho

Kay Hagan, D-N.C.

Jeff Merkley, D-Ore.

Mark Begich, D-Alaska

Michael Bennet, D-Colo.

Kirsten Gillibrand, D-N.Y.

Al Franken, D-Minn.

Joe Manchin III, D-W.Va.

Chris Coons, D-Del.

Mark S. Kirk, R-Ill.

Dan Coats, R-Ind.

Roy Blunt, R-Mo.

Jerry Moran, R-Kan.

Rob Portman, R-Ohio

John Boozman, R-Ark.

Patrick J. Toomey, R-Pa.

John Hoeven, R-N.D.

Marco Rubio, R-Fla.

Ron Johnson, R-Wis.

Rand Paul, R-Ky.

Richard Blumenthal, D-Conn.

Mike Lee, R-Utah

Kelly Ayotte, R-N.H.

Dean Heller, R-Nev.

Brian Schatz, D-Hawaii

Tim Scott, R-S.C.

Tammy Baldwin, D-Wis.

Jeff Flake, R-Ariz.

Joe Donnelly, D-Ind.

Christopher S. Murphy, D-Conn.

Mazie Hirono, D-Hawaii

Martin Heinrich, D-N.M.

Angus King, I-Maine

Tim Kaine, D-Va.

Ted Cruz, R-Texas

Elizabeth Warren, D-Mass.

Deb Fischer, R-Neb.

Heidi Heitkamp, D-N.D.

Edward J. Markey, D-Mass.

Cory Booker, D-N.J.

John Walsh, D-Mont.

John D. Dingell, D-Mich.

John Conyers Jr., D-Mich.

Charles B. Rangel, D-N.Y.

Don Young, R-Alaska

George Miller, D-Calif.

Henry A. Waxman, D-Calif.

Nick J. Rahall II, D-W.Va.

Jim Sensenbrenner, R-Wis.

Tom Petri, R-Wis.

Ralph M. Hall, R-Texas

Harold Rogers, R-Ky.

Christopher H. Smith, R-N.J.

Frank R. Wolf, R-Va.

Steny H. Hoyer, D-Md.

Marcy Kaptur, D-Ohio

Sander M. Levin, D-Mich.

Joe L. Barton, R-Texas

Howard Coble, R-N.C.

Peter J. Visclosky, D-Ind.

Peter A. DeFazio, D-Ore.

John Lewis, D-Ga.

Louise M. Slaughter, D-N.Y.

Lamar Smith, R-Texas

Fred Upton, R-Mich.

Nancy Pelosi, D-Calif.

Frank Pallone Jr., D-N.J.

John J. Duncan Jr., R-Tenn.

Eliot L. Engel, D-N.Y.

Nita M. Lowey, D-N.Y.

Jim McDermott, D-Wash.

Richard E. Neal, D-Mass.

Dana Rohrabacher, R-Calif.

\* <sup>6</sup>  
Ileana Ros-Lehtinen, R-Fla.

José E. Serrano, D-N.Y.

David E. Price, D-N.C.

John A. Boehner, R-Ohio

Dave Camp, R-Mich.

Rosa DeLauro, D-Conn.

James P. Moran, D-Va.

Collin C. Peterson, D-Minn.

Maxine Waters, D-Calif.

Sam Johnson, R-Texas

Ed Pastor, D-Ariz.

Jerrold Nadler, D-N.Y.

Jim Cooper, D-Tenn.

Spencer Bachus, R-Ala.

Xavier Becerra, D-Calif.

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Sanford D. Bishop Jr., D-Ga.

Corrine Brown, D-Fla.

Ken Calvert, R-Calif.

James E. Clyburn, D-S.C.

Anna G. Eshoo, D-Calif.

Robert W. Goodlatte, R-Va.

Gene Green, D-Texas

Luis V. Gutierrez, D-Ill.

Alcee L. Hastings, D-Fla.

Eddie Bernice Johnson, D-Texas

Peter T. King, R-N.Y.

Jack Kingston, R-Ga.

Carolyn B. Maloney, D-N.Y.

Howard "Buck" McKeon, R-Calif.

John L. Mica, R-Fla.

Lucille Roybal-Allard, D-Calif.

Ed Royce, R-Calif.

Bobby L. Rush, D-Ill.

Robert C. Scott, D-Va.

Nydia M. Velázquez, D-N.Y.

Bennie Thompson, D-Miss.

Sam Farr, D-Calif.

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Frank D. Lucas, R-Okla.

Lloyd Doggett, D-Texas

Mike Doyle, D-Pa.

Chaka Fattah, D-Pa.

Rodney Frelinghuysen, R-N.J.

Doc Hastings, R-Wash.

Sheila Jackson Lee, D-Texas

Walter B. Jones, R-N.C.

Tom Latham, R-Iowa

Frank A. LoBiondo, R-N.J.

Zoe Lofgren, D-Calif.

Mac Thornberry, R-Texas

Edward Whitfield, R-Ky.

Elijah E. Cummings, D-Md.

Earl Blumenauer, D-Ore.

Robert B. Aderholt, R-Ala.

Kevin Brady, R-Texas

Danny K. Davis, D-Ill.

Diana DeGette, D-Colo.

Kay Granger, R-Texas

Rubén Hinojosa, D-Texas

Ron Kind, D-Wis.

Carolyn McCarthy, D-N.Y.

Jim McGovern, D-Mass.

Mike McIntyre, D-N.C.

Bill Pascrell Jr., D-N.J.

Joe Pitts, R-Pa.

Loretta Sanchez, D-Calif.

Pete Sessions, R-Texas

Brad Sherman, D-Calif.

John Shimkus, R-Ill.

Adam Smith, D-Wash.

John F. Tierney, D-Mass.

Gregory W. Meeks, D-N.Y.

Lois Capps, D-Calif.

Barbara Lee, D-Calif.

Robert A. Brady, D-Pa.

Steve Chabot, R-Ohio

Michael E. Capuano, D-Mass.

Joseph Crowley, D-N.Y.

Rush D. Holt, D-N.J.

John B. Larson, D-Conn.

Gary G. Miller, R-Calif.

Grace F. Napolitano, D-Calif.

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Paul D. Ryan, R-Wis.

Jan Schakowsky, D-Ill.

Mike Simpson, R-Idaho

Lee Terry, R-Neb.

Mike Thompson, D-Calif.

Greg Walden, R-Ore.

Eric Cantor, R-Va.

Shelley Moore Capito, R-W.Va.

William Lacy Clay, D-Mo.

Ander Crenshaw, R-Fla.

John Culberson, R-Texas

Susan A. Davis, D-Calif.

Sam Graves, R-Mo.

Michael M. Honda, D-Calif.

Steve Israel, D-N.Y.

Darrell Issa, R-Calif.

Jim Langevin, D-R.I.

Rick Larsen, D-Wash.

Jim Matheson, D-Utah

Betty McCollum, D-Minn.

Mike Rogers, R-Mich.

Adam B. Schiff, D-Calif.

Pat Tiberi, R-Ohio

Bill Shuster, R-Pa.

J. Randy Forbes, R-Va.

Stephen F. Lynch, D-Mass.

Jeff Miller, R-Fla.

Joe Wilson, R-S.C.

Rob Bishop, R-Utah

Timothy H. Bishop, D-N.Y.

Marsha Blackburn, R-Tenn.

Michael C. Burgess, R-Texas

John Carter, R-Texas

Tom Cole, R-Okla.

Mario Diaz-Balart, R-Fla.

Trent Franks, R-Ariz.

Scott Garrett, R-N.J.

Jim Gerlach, R-Pa.

Phil Gingrey, R-Ga.

Raúl M. Grijalva, D-Ariz.

Jeb Hensarling, R-Texas

Steve King, R-Iowa

John Kline, R-Minn.

Michael H. Michaud, D-Maine.

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Candice S. Miller, R-Mich.

Tim Murphy, R-Pa.

Devin Nunes, R-Calif.

Mike D. Rogers, R-Ala.

C.A. Dutch Ruppersberger, D-Md.

Tim Ryan, D-Ohio

Linda T. Sánchez, D-Calif.

David Scott, D-Ga.

Michael R. Turner, R-Ohio

Chris Van Hollen, D-Md.

Randy Neugebauer, R-Texas

G. K. Butterfield, D-N.C.

John Barrow, D-Ga.

Charles Boustany Jr., R-La.

Emanuel Cleaver II, D-Mo.

K. Michael Conaway, R-Texas

Jim Costa, D-Calif.

Henry Cuellar, D-Texas

Charlie Dent, R-Pa.

Jeff Fortenberry, R-Neb.

Virginia Foxx, R-N.C.

Louie Gohmert, R-Texas

Al Green, D-Texas

Brian Higgins, D-N.Y.

Daniel Lipinski, D-Ill.

Kenny Marchant, R-Texas

Michael McCaul, R-Texas

Patrick T. McHenry, R-N.C.

Cathy McMorris Rodgers, R-Wash.

Gwen Moore, D-Wis.

Ted Poe, R-Texas

Tom Price, R-Ga.

Dave Reichert, R-Wash.

Allyson Y. Schwartz, D-Pa.

Debbie Wasserman Schultz, D-Fla.

Lynn Westmoreland, R-Ga.

Doris Matsui, D-Calif.

John Campbell, R-Calif.

Albio Sires, D-N.J.

Steve Pearce, R-N.M.

Michele Bachmann, R-Minn.

Gus Bilirakis, R-Fla.

Bruce Braley, D-Iowa

Vern Buchanan, R-Fla.

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Kathy Castor, D-Fla.

Yvette D. Clarke, D-N.Y.

Steve Cohen, D-Tenn.

Joe Courtney, D-Conn.

Keith Ellison, D-Minn.

Hank Johnson, D-Ga.

Jim Jordan, R-Ohio

Doug Lamborn, R-Colo.

Dave Loebsack, D-Iowa

Kevin McCarthy, R-Calif.

Jerry McNerney, D-Calif.

Ed Perlmutter, D-Colo.

Peter Roskam, R-Ill.

John Sarbanes, D-Md.

Adrian Smith, R-Neb.

Tim Walz, D-Minn.

Peter Welch, D-Vt.

John Yarmuth, D-Ky.

Paul Broun, R-Ga.

Niki Tsongas, D-Mass.

Bob Latta, R-Ohio

Rob Wittman, R-Va.



André Carson, D-Ind.

Jackie Speier, D-Calif.

Steve Scalise, R-La.

Donna Edwards, D-Md.

Marcia L. Fudge, D-Ohio

Rick Nolan, D-Minn.

Matt Salmon, R-Ariz.

Mark Sanford, R-S.C.

Bill Cassidy, R-La.

Jason Chaffetz, R-Utah

Mike Coffman, R-Colo.

Gerald E. Connolly, D-Va.

John Fleming, R-La.

Brett Guthrie, R-Ky.

Gregg Harper, R-Miss.

Jim Himes, D-Conn.

Duncan Hunter, R-Calif.

Lynn Jenkins, R-Kan.

Leonard Lance, R-N.J.

Blaine Luetkemeyer, R-Mo.

Ben Ray Lujan, D-N.M.

Cynthia M. Lummis, R-Wyo.

Tom McClintock, R-Calif.

Pete Olson, R-Texas

Erik Paulsen, R-Minn.

Gary Peters, D-Mich.

Chellie Pingree, D-Maine

Jared Polis, D-Colo.

Bill Posey, R-Fla.

Phil Roe, R-Tenn.

Tom Rooney, R-Fla.

Aaron Schock, R-Ill.

Kurt Schrader, D-Ore.

Glenn Thompson, R-Pa.

Paul Tonko, D-N.Y.

Mike Quigley, D-Ill.

Judy Chu, D-Calif.

John Garamendi, D-Calif.

Bill Owens, D-N.Y.

Ted Deutch, D-Fla.

Tom Graves, R-Ga.

Tom Reed, R-N.Y.

Marlin Stutzman, R-Ind.

Michael G. Fitzpatrick, R-Pa.

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Carol Shea-Porter, D-N.H.

Tim Walberg, R-Mich.

Bill Foster, D-Ill.

Justin Amash, R-Mich.

Lou Barletta, R-Pa.

Karen Bass, D-Calif.

Dan Benishek, R-Mich.

Diane Black, R-Tenn.

Mo Brooks, R-Ala.

Larry Bucshon, R-Ind.

John Carney, D-Del.

David Cicilline, D-R.I.

Rick Crawford, R-Ark.

Jeff Denham, R-Calif.

Scott DesJarlais, R-Tenn.

Sean P. Duffy, R-Wis.

Jeff Duncan, R-S.C.

Renee Ellmers, R-N.C.

Blake Farenthold, R-Texas

Stephen Fincher, R-Tenn.

Chuck Fleischmann, R-Tenn.

Bill Flores, R-Texas

Cory Gardner, R-Colo.

Bob Gibbs, R-Ohio

Chris Gibson, R-N.Y.

Paul Gosar, R-Ariz.

Trey Gowdy, R-S.C.

Tim Griffin, R-Ark.

Morgan Griffith, R-Va.

Michael G. Grimm, R-N.Y.

Colleen Hanabusa, D-Hawaii

Richard Hanna, R-N.Y.

Andy Harris, R-Md.

Vicky Hartzler, R-Mo.

Joe Heck, R-Nev.

Jaime Herrera Beutler, R-Wash.

Tim Huelskamp, R-Kan.

Bill Huizenga, R-Mich.

Randy Hultgren, R-Ill.

Robert Hurt, R-Va.

Bill Johnson, R-Ohio

William Keating, D-Mass.

Mike Kelly, R-Pa.

Adam Kinzinger, R-Ill.

Raúl R. Labrador, R-Idaho

James Lankford, R-Okla.

Billy Long, R-Mo.

David B. McKinley, R-W.Va.

Tom Marino, R-Pa.

Patrick Meehan, R-Pa.

Mick Mulvaney, R-S.C.

Kristi Noem, R-S.D.

Rich Nugent, R-Fla.

Alan Nunnelee, R-Miss.

Steven M. Palazzo, R-Miss.

Mike Pompeo, R-Kan.

James B. Renacci, R-Ohio

Reid Ribble, R-Wis.

Cedric L. Richmond, D-La.

Scott Rigell, R-Va.

Martha Roby, R-Ala.

Todd Rokita, R-Ind.

Dennis A. Ross, R-Fla.

Jon Runyan, R-N.J.

David Schweikert, R-Ariz.

Austin Scott, R-Ga.

Terri A. Sewell, D-Ala.

Steve Southerland II, R-Fla.

Steve Stivers, R-Ohio

Scott Tipton, R-Colo.

Daniel Webster, R-Fla.

Frederica S. Wilson, D-Fla.

Steve Womack, R-Ark.

Rob Woodall, R-Ga.

Kevin Yoder, R-Kan.

Todd Young, R-Ind.

Janice Hahn, D-Calif.

Mark Amodei, R-Nev.

Suzanne Bonamici, D-Ore.

Ron Barber, D-Ariz.

Suzan DelBene, D-Wash.

Thomas Massie, R-Ky.

Donald M. Payne Jr., D-N.J.

Alan Grayson, D-Fla.

Ann Kirkpatrick, D-Ariz.

Dan Maffei, D-N.Y.

Steve Stockman, R-Texas

Dina Titus, D-Nev.

Andy Barr, R-Ky.

Joyce Beatty, D-Ohio

Kerry Bentivolio, R-Mich.

Ami Bera, D-Calif.

Jim Bridenstine, R-Okla.

Susan W. Brooks, R-Ind.

Julia Brownley, D-Calif.

Cheri Bustos, D-Ill.

Tony Cardenas, D-Calif.

Matt Cartwright, D-Pa.

Joaquin Castro, D-Texas

Chris Collins, R-N.Y.

Doug Collins, R-Ga.

Paul Cook, R-Calif.

Tom Cotton, R-Ark.

Kevin Cramer, R-N.D.

Steve Daines, R-Mont.

Rodney Davis, R-Ill.

John Delaney, D-Md.

Ron DeSantis, R-Fla.

Tammy Duckworth, D-Ill.

Bill Enyart, D-Ill.

Elizabeth Esty, D-Conn.

Lois Frankel, D-Fla.

Tulsi Gabbard, D-Hawaii

Pete Gallego, D-Texas

Joe Garcia, D-Fla.

Denny Heck, D-Wash.

George Holding, R-N.C.

Steven Horsford, D-Nev.

Richard Hudson, R-N.C.

Jared Huffman, D-Calif.

Hakeem Jeffries, D-N.Y.

David Joyce, R-Ohio

Joseph P. Kennedy III, D-Mass.

Dan Kildee, D-Mich.

Derek Kilmer, D-Wash.

Ann McLane Kuster, D-N.H.

Doug LaMalfa, R-Calif.

Alan Lowenthal, D-Calif.

Michelle Lujan Grisham, D-N.M.

Sean Patrick Maloney, D-N.Y.

Mark Meadows, R-N.C.

Grace Meng, D-N.Y.



Luke Messer, R-Ind.

Markwayne Mullin, R-Okla.

Patrick Murphy, D-Fla.

Gloria Negrete McLeod, D-Calif.

Beto O'Rourke, D-Texas

Scott Perry, R-Pa.

Scott Peters, D-Calif.

Robert Pittenger, R-N.C.

Mark Pocan, D-Wis.

Tom Rice, R-S.C.

Keith Rothfus, R-Pa.

Raul Ruiz, D-Calif.

Brad Schneider, D-Ill.

Kyrsten Sinema, D-Ariz.

Chris Stewart, R-Utah

Eric Swalwell, D-Calif.

Mark Takano, D-Calif.

David Valadao, R-Calif.

Juan C. Vargas, D-Calif.

Marc Veasey, D-Texas

Filemon Vela, D-Texas

Ann Wagner, R-Mo.

Jackie Walorski, R-Ind.

Randy Weber, R-Texas

Brad Wenstrup, R-Ohio

Roger Williams, R-Texas

Ted Yoho, R-Fla.

Robin Kelly, D-Ill.

Jason Smith, R-Mo.

Vance McAllister, R-La.

Katherine M. Clark, D-Mass.

Bradley Byrne, R-Ala.

David Jolly, R-Fla.,

Defendants.

**INDICTMENT**  
**AND PETITION FOR A WRIT OF MANDAMUS COMPLAINT**

The Grand Jury and Plaintiff's charge and allege for their indictment, complaint and petition for a writ of mandamus;

**COUNT 1 – Murder and Manslaughter**

On or about July 17, 2014, in New York Officer Daniel Pantaleo, NYPD willfully and intentionally caused the murder of Eric Garner, a U.S. Citizen and citizen of the state of New York by putting him in a chokehold, in and affecting interstate commerce in violation of 18 USC 1111.

### **COUNT 2 – Murder and Manslaughter**

On or about August 9, 2014 in Ferguson, MO Darren Wilson an Officer of the Police Department willfully and intentionally caused the murder of Michael Brown, a U.S. Citizen and Citizen of the State of Missouri by firing 12 or more rounds of ammunition from a firearm that was shipped and manufactured in interstate commerce in violation of 18 USC 1111.

### **COUNT 3 Discrimination against Constitutional Rights**

On or about December 24, 2014 and December 25, 2014 and other dates and times in Pittsburgh Pennsylvania at Renewal Inc. Kyle Kohlbacker willfully and intentionally failed to provide Frederick Banksan American Indian of the Lakota Sioux Tribe, a class, provisions to practice his Wicca religion during a previous month and otherwise discriminated against him in such things as scheduling him for outside employment hours, while scheduling black and white residents, separate classes, because of his class based status as an American Indian, a class, U.S. Citizen and Citizen of the Commonwealth of Pennsylvania. In violation of the Fifth and Fourteenth Amendment Equal Protection Clause and 18 USC 242. Earl Kohlbacker, a purported relative and supervisor of Kyle had no problem allowing Matt, a white resident to work overnight on Christmas eve and Christmas day. Earl, & Kyle Kohlbacker and others including Monitor Garret Gaetano conspired with each other to author bogus Incident reports to keep Plaintiff confined at the Renewal Center contrary to the provisions outlined in 18 USC 242 and 241.

### **COUNT 4 – Discrimination and Conspiracy Against Constitutional Rights**

On or about October 23, 2013 to present Judges Joy Flowers Conti, Nora Barry Fischer, and ; James E. Boasberg; Rosemary M. Collyer; Raymond J. Dearie; Claire V. Eagan; Martin L.C. Feldman; Michael W. Mosman; Mary A. McLaughlin; F. Dennis Saylor, IV; Susan Webber Wright; James B. Zagel, who sit on the Foreign Intelligence Surveillance Court conspired to keep Plaintiff Banks and Posner in a state of perpetual frenzy and discontent by holding them hostage with a bogus FISA Warrant that they unlawfully approved in the District of Columbia at the Foreign Intelligence Surveillance Court and as a result of the Warrant the CIA Office of Science and Technology put them under surveillance using SIGINT ("Signals Intelligence") which produced the Microwave Auditory Effect in their daily lives 24 hours a day 7 days a week., The U.S. Probation department conspired along with these Defendants to cause and keep Frederick Banks confined at N.E.O.C.C. in Ohio and Renewal Center in Pittsburgh intentionally and knowingly in violation of the Eighth Amendment because at all times material these judges and parties knew or had reason to know of the Foreign Intelligence Surveillance Act Warrants on both Banks and Posner. Posner was medically tested said test is attached hereto as exhibit A and as a result of that test he has actual evidence that his is being targeted by the Defendants and Surveilled in an unlawful CIA Surveillance campaign. The FISA Warrant was unlawfully approved at the request of the Federal Bureau of Investigation by the Foreign Intelligence Surveillance Court resulting in electronic harassment and Signals Intelligence domestic surveillance by the CIA Office of Science and Technology (Domestic Intelligence on U.S. Citizens by the CIA was outlawed by Congress in the 1970's. See Exhibit B.) (the general public calls FISA Warrants and SIGINT "voice to skull", "v2k", "remote neural monitoring", "gang stalking" and "the frey effect or the microwave auditory effect" see Wikipedia.com.) because of multiple civil lawsuits that Frederick Banks filed against the United States and agencies in violation of 18 USC 241.

During an unreasonable search and seizure Ben Orrison and Sean Langford confiscated items of Frederick Banks but did not list them on any property receipt, namely a Keurig Coffee Maker (Still in the box), an altered Wicca dress (a gift for a Wiccan High Priestess and friend of Banks'), and a Nikon Camera. FBI Pittsburgh division also refused to return a 2000 355 speed yellow Ferrari vehicle that was never put on any property form owned by Frederick Banks in violation of the Fourth Amendment and 18 USC 241 and 18 USC 242. It should be noted that Frederick Banks in 2004 was set up by the FBI and Special Agent Timothy Pivnichy who caused an Orbit II DVD/CD Copier to be fixed and then used the formally broken machine in a Court case against Banks and Pivnichy pointed his handgun at a Grand Jury Witness in a case against Banks named Ms. Bondi. Ms. Bondi's then attorney Cynthia Reed Eddy was present at this meeting which was held at 700 Grant Street Pittsburgh, PA 15219 but did and said nothing about it. In 2013 Eddy now a US Magistrate Judge arraigned Frederick Banks on a probation violation in the same case where she had represented a government witness against Banks in that case!!!! even though Banks had been filing on this issue and against her for years. Nothing was ever said or down by Chief Judge Conti. Conti laughed when she found out and instead gave Banks a year in prison on a bogus violation and 6 months in Renewal Center in their ever deepening and widening conspiracy with her cohorts and conquistadettes contrary to the Equal Protection Clause and the Sioux Treaty of Fort Laramie 15 Stat 635 (1868) Defendants acted as "bad men" in violation of the Sioux Treaty.

**COUNT 5 - Conspiracy against protected Constitutional Rights and Conspiracy to Commit Murder**

On 12/25/14 in Pittsburgh, PA at Renewal Inc., Earl Kohlbacker and his relative Kyle Kohlbacker, and Shariff Rasheed and Doug Williams, Renewal's head of operations, conspired with themselves and others known and unknown to the grand jury and the plaintiffs to prevent Frederick Banks from his right to pursue the profession of his choice, as outlined in the organic law of the U.S. Constitution's Declaration of Independence (the pursuit of happiness clause), namely his employment on 12/24/14 and 12/25/14 because of his class based status as an American Indian and citizen of the USA and the Commonwealth of Pennsylvania.

It was part of the Scheme, Artifice and Conspiracy that Earl Kohlbacker, Shariff Rasheed, and Doug Williams allowed black and white residents some that didn't even work to leave Renewal on 12/24/14 and 12/25/14. All in violation of the Fourteenth Amendment Equal Protection Clause and Title 18 USC 241 and 18 USC 111 and conspired against Frederick banks to keep him confined on Christmas to convert him to their perverted form of Christianity because he practiced Witchcraft and was a Warlock and Wiccan Witch. These same Defendant's intentionally and willfully failed to provide plaintiff with his high blood pressure medication and ritual tools and publications required to practice his religion, Wicca for at least a month, in violation of the Eighth Amendment, First Amendment Free Exercise and Establishment Clauses because of his class based status as an American Indian Wiccan and contrary to the provisions of title 18 USC 242, and 241 knowing that Plaintiff received emergency treatment from paramedics because of the same and in the same week.

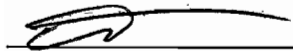
It was part of the scheme, artifice and conspiracy that Jessica Albert required Frederick Banks to first apply for funds through two Christian organizations first before she would even consider or submit him in for Second Chance Act funds because of his status as a Wiccan, Warlock and Witch and practioner of pagan Witchcraft. Jessica Albert stated that it was a defacto policy that she and Charmagne Odon

"came up wiith". The Second chance act does not require that I "exhaust other avenues first" before consideration of funds contrary to Albert's statements nor does Banks as a Wiccan Witch have to apply for funds from a Christian organization that violates his right to free exercise and the Establishment Clause of the US Constitution. Nor can Bank's right to free speech as a Wicca practioner be violated in the authoring of bogus incident reports because he purportedly swore. The tenants of Wicca are "doe as though will shall be the whole of the law". Banks is an avid volunteer in his community and routinely gave money and time to the homeless and poor. What did these jokers conspiring to keep him confined in a halfway house do? The answer stone cold nothing.

\_\_Defendant's owed Banks a duty pursuant to their oaths of office and title 28 to (oath's of judges) to treat respect to both the poor and the rich and uphold the US Constitution. Defendant's violated that Duty when they acted as "bad men" against an American Indian and violated the constitutional rights of both Plaintiff's in this case and in these allegations and the rights of the deceased as aforementioned. As a result Plaintiff's have a right to relief by way of damages and mandamus in an amount to be determined by a Jury exceeding \$1.00 and for Declaratory Relief ordering the immediate cease and desist of the violations and the lifting of the FISA Warrants and surveillance. A Jury Trial should be ordered. Both Officers should be prosecuted to the full extent of the United States of America Laws.

**WHEREFORE**, the foregoing Mandamus should be granted. Judgment should be entered for the Plaintiff's and against the Defendant's a preliminary injunction and restraining order should be issued against the FISA Court, the CIA and the FBI and all defendants and in favor of Plaintiff's along with costs, fees and interest and all other requested and warranted relief. Additionally, Plaintiff's move the court for an expedited order requiring the US Marshals to serve copies of the complaint on Defendant's .

*Executed on ~~for~~ under the penalty of OATH perjury .*



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PLAINTIFFS